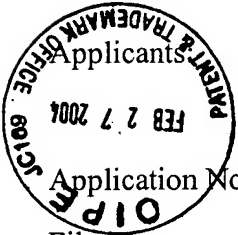


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Laura T. Bortolin, Lalitha Parameswaran, James Harper, Johanna Bobrow,
Mark A. Hollis, Drew Chapman Brown, Eric Scott Clasen and
John Calvin Schmidt

Application No.: 10/616,904

Group Art Unit: 1634

Filed: July 10, 2003

Examiner: Not Yet Assigned

Confirmation No.: 1657

Title: APPARATUS AND METHOD FOR ISOLATING A NUCLEIC ACID FROM A
SAMPLE

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
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Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☒ The listed references [AK, AC2, AD2] were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

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By Anabela C. Taylor
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Concord, MA 01742-9133

Dated: Feb. 25, 2004

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION February 25, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 0050.2060-001	APPLICATION NO. 10/616,904	
	APPLICANTS Laura T. Bortolin, <i>et al.</i>		
	FILING DATE July 10, 2003	CONFIRMATION NO. 1657	GROUP 1634

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	5,234,809	08-10-1993	Boom <i>et al.</i>
	AB	5,496,562	03-05-1996	Burgoyne
	AC	5,660,984	08-26-1997	Davis <i>et al.</i>
	AD	5,707,850	01-13-1998	Cole
	AI	5,756,126	05-26-1998	Burgoyne
	AF	5,807,527	09-15-1998	Burgoyne
	AI	5,840,169	11-24-1998	Anderson
	AI	5,863,801	01-26-1999	Southgate <i>et al.</i>
	AI	5,927,386	10-26-1999	Burgoyne
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	AK	5,976,572	11-02-1999	Burgoyne
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	AC2	6,103,192 A	08-15-2000	Stapleton <i>et al.</i>
	AD2	6,168,922	01-02-2001	Harvey <i>et al.</i>
	AE2	6,218,176	04-17-2001	Berthold, <i>et al.</i>
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	AH2	6,428,962 B1	08-06-2002	Naegele
	AI2	6,431,476	08-13-2002	Taylor <i>et al.</i>
	AJ2	6,440,725	08-27-2002	Pourahmadi <i>et al.</i>
	AK2	2002/0042125 A1	04-11-2002	Peterson <i>et al.</i>
	AA3	2003/0129614 A1	07-10-2003	Parameswaran <i>et al.</i>

EXAMINER	DATE CONSIDERED
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February 25, 2004

(Use several sheets if necessary)

APPLICATION NO.
10/616,904

APPLICANTS
Laura T. Bortolin, *et al.*

FILING DATE
July 10, 2003

CONFIRMATION NO.
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GROUP
1634

EXAMINER

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Andreotti, P., "Portable Swab Sample Processor (SSP) and Analyzer for Rapid Detection of Biothreat Agents," <i>Defense Advanced Research Projects Agency, Tissue Based Biosensors, Advanced Diagnostics, Activity Detection Technologies Principle Investigator Conference 2002</i> , DARPA, Miami, Florida, February 18-21, 2002.
AS	"Cepheid Granted U.S. Patent Covering GeneXpert(R) Cartridge," at http://biz.yahoo.com , June 5, 2002.
AT	Cepheid News; "Cepheid Collaborates on Major U.S. Postal Contract for Bio-threat Detection - Pilot Program to Employ GeneXpert® DNA-Detection System," at http://www.cephid.com/pages/press/020513.html , Sunnyvale, CA, May 13, 2002.
AU	Cepheid Technology; "Fluidic Systems" at http://www.cephid.com , June 5, 2002.
AV	"How GeneXpert Automates Sample Preparation," at http://media.corporate-ir.net , June 5, 2002.
AW	Levy, S., "A Fully Automated High-Throughput Nucleic Acid Purification System Using Silica Coated Magnetic Bead Technology," <i>Laboratory Robotics Interest Group, New England Chapter, Poster Session, March 26, 2002</i> , from http://www.lab-robotics.org/New_England/Posters/LRIG-New%20England%20Posters%20March%2026,2002.pdf .
AX	Parameswaran, L., "Development of Recovery Techniques for Organisms and Nucleic Acids from Complex Samples", <i>Third Annual Biodetection Technologies 2003 International Symposium</i> , from http://www.knowledgepress.com/event/12111105.htm .
AY	Schmidt, J.C., "A Portable Biodetection System Incorporating Semi-Automated Sample Preparation," <i>Detection Technologies - The Next Generation in Identification and Analysis</i> , Arlington, Virginia, December 5-6, 2002, http://www.knowledgepress.com/events/7191716.htm .
AZ	Taylor, Michael T., <i>et al.</i> , "Lysing Baterial Spores by Sonication through a Flexible Interface in a Microfluidic System," <i>Anal. Chem.</i> , 73:492-496(2001).
AR2	Tu, Shu-I, <i>et al.</i> , "Applications of Time-Resolved Fluoroimmunoassay to Detect Magnetic Bead Captured Escherichia Coli 0157:H7," <i>Journal of Rapid Methods and Automation in Microbiology</i> , 9:71-84 (2001).
AS2	Xtrana: Products: Nucleic Acid Testing; "SCIP: Self Contained Integrated Particle," http://www.xtrana.com , June 5, 2002.

EXAMINER	DATE CONSIDERED
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